

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

The Use of N11 Codes and Other Abbreviated
Dialing Arrangements

CC Docket No. 92-105

COMMENTS OF BELLSOUTH CORPORATION

BELLSOUTH CORPORATION

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BellSouth Corporation, by counsel and on behalf of itself and its wholly owned subsidiaries (collectively "BellSouth"), respectfully submits these comments in response to the *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding.¹ BellSouth believes that a nationwide ten-digit toll-free telephone number is the quickest, most effective, and least expensive way to provide access to One Call notification systems.² However, given that the Pipeline Safety Improvement Act of 2002 ("Pipeline Safety Act") requires the use of a three-digit toll-free number for this purpose, BellSouth agrees with the North American Numbering Council ("NANC") that the best alternative is to use an N11 code, specifically 811.

¹ *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *Notice of Proposed Rulemaking*, FCC 04-111 (rel. May 14, 2004).

² A One Call notification system is defined as "a communication system established by operators of underground facilities and/or state governments in order to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities." *NPRM*, ¶ 1.

I. BACKGROUND

On May 14, 2004, the Commission released an *NPRM* seeking comment on various abbreviated dialing arrangements that could be used to access One Call notification systems in compliance with the Pipeline Safety Act. Alternatives include: (1) an N11 code; (2) a code using a leading star or number sign; or (3) some other three-digit code. Significant work has been done by the industry to identify and analyze the impact of various alternative abbreviated dialing arrangements that could be used to implement the statute. As the Commission points out, the NANC formed the Abbreviated Dialing One Call Notification Issue Management Group (“DIG IMG”) in January 2003 to consider alternatives.³ The DIG IMG issued a detailed report and recommendation to the NANC in September 2003. The NANC subsequently adopted the DIG IMG’s report and concluded that an N11 code, specifically 811, should be the nationwide toll-free abbreviated dialing code used to implement the Pipeline Safety Act.⁴

II. THE COMMISSION SHOULD CONSIDER SEEKING A LEGISLATIVE AMENDMENT TO THE PIPELINE SAFETY ACT TO ALLOW THE USE OF A TEN-DIGIT TOLL-FREE NUMBER.

BellSouth agrees with the NANC that, but for the Pipeline Safety Act’s express requirement to establish a three-digit nationwide number to access Call One notification systems, it would be quicker and more cost-effective to use a ten-digit toll-free number.⁵ A ten-digit toll-free number offers several advantages as shown by the NANC in the DIG IMG Report.

³ See *id.*, ¶ 4.

⁴ *Id.*, ¶ 5.

⁵ Report and Recommendation of the Abbreviated Dialing For One Call Notification Issue Management Group at 10 (dated Oct. 29, 2003) (“DIG IMG Report”) (“Absent the statutory

First, a ten-digit number with nationwide coverage could be implemented much more quickly than a three-digit alternative.⁶ If the Commission were to designate 811 as the access code for One Call Centers, it would have to allow time for entities to relinquish the code currently being used for nonconforming purposes and for carriers to make any necessary switch translations. Similarly, the implementation of a different three-digit code or one with a leading “*” or “#” (e.g., 344, *344, #344) cannot be accomplished as quickly as establishing a ten-digit toll-free number. As the DIG IMG Report demonstrates, there are significant technical challenges associated with using either the *344 or #344 code.⁷ For example, BellSouth has found that using the “*” or “#” characters as a prefix to any numeric dialing sequence in a wireline network may trigger special call handling conditions that could conflict with existing vertical features, such as Call Forwarding activation, Speed Dialing, and Speed Dial programming. Any system changes necessary to resolve these technical problems would delay the implementation of One Call notification systems.

Second, a nationwide ten-digit number is far less costly to implement than a three-digit code. If the Commission were to designate 811 as the access code for One Call Centers, entities currently using this code for nonconforming purposes would have to incur costs to purchase new stationery, business cards, and other marketing materials to reflect the number change. In addition, because the use of abbreviated dialing codes such as #344 or *344 would necessitate modifications to carriers’ operations support systems and switches, carriers also would incur

requirement for a three-digit code, many of the IMG members would have recommended the use of a single ten-digit toll-free number to implement uniform access to individual State One Call Centers.”).

⁶ *Id.* at 3.

⁷ *Id.* at 6-8.

costs. These costs, along with the corresponding inconvenience and additional work efforts, could be minimized by using a ten-digit toll-free number.

It is important to note that ten-digit toll-free numbers are being used today across the nation to access One Call notification systems. For example, 1-888-258-0808 is a nationwide toll-free One Call referral number. In addition, several states (Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) are currently using a single ten-digit mnemonic toll-free number (888-DIG-SAFE); and a similar number is used by Kansas (800-DIG-SAFE).⁸ As NANC indicates, any one of these numbers could be implemented on a nationwide basis and routed to appropriate One Call Centers.⁹

Third, as the Commission has acknowledged, N11 codes are “among the scarcest of resources.”¹⁰ Given the limited number of N11 codes, the Commission should seek to preserve the use of these codes for a broader purpose that would benefit or be used by a greater percentage of the public. The N11 codes that have been designated by the Commission for national use all provide a valuable service or information to the public generally (211 for community information and referral services; 311 for non-emergency police and other governmental

⁸ *Id.* at 10.

⁹ *See id.*

¹⁰ *NPRM, ¶ 7; Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide; Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and Texas I&R Network for Assignment of 211 Dialing Code; The Use of N11 Codes and Other Abbreviated Dialing Arrangements, NSD-L-99-24, NSD-L-98-80 & CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Rcd 16753, 16755, ¶ 1 (2000) (“211 Order”).*

services; 511 for travel and information services; 711 for telephone relay services for the hearing impaired; 911 for emergencies).¹¹

BellSouth supports the creation of communication systems designed to coordinate excavation activities and notify the appropriate entities. However, BellSouth questions whether the use of a scarce resource such as 811 will best serve the public interest, especially when concrete actions can be taken to seek a statutory amendment to permit the use of a ten-digit toll-free number. When the Commission designated 211 for community information and referral services, it directed organizations to work cooperatively “to ensure the greatest public use of this scarce resource.”¹² The Commission should be guided by its own directive. Designating 811 as the nationwide code for access to One Call notification systems is not necessarily “the greatest public use of this scarce resource.”¹³

Given the significant benefits derived from using a ten-digit nationwide toll-free number for One Call notification, BellSouth urges the Commission to work with other federal agencies (including the Department of Transportation (“DOT”)) to seek an amendment to the Pipeline Safety Act. The Commission should make certain that Congress and the DOT understand fully the technical and policy implications of using a three-digit code. Further, the Commission should explain the clear advantages of using a ten-digit nationwide toll-free number.

In sum, BellSouth agrees with the NANC that, “the quickest, least expensive and most effective way to provide nationwide, toll-free access to One-Call centers would be through a

¹¹ *NPRM*, ¶ 8. As the Commission notes, 411, 611, and 811 are the only remaining N11 codes that have not been formally assigned by the Commission for national use, although 411 is widely used by carriers for directory assistance, and 611 and 811 are widely used for repair. *NPRM*, ¶ 8.

¹² *211 Order*, 15 FCC Rcd at 16766, ¶ 21.

¹³ *Id.*

nationwide ten-digit mnemonic toll-free telephone number.”¹⁴ Accordingly, the Commission should assume the lead role in educating Congress on this issue and recommend an amendment to the Pipeline Safety Act. This approach would allow Congress to achieve its objective “quickly, inexpensively and without unnecessarily using scarce numbering resources.”¹⁵ The Commission can enlist the help of the NANC and industry members to assist with these education efforts.

III. IN THE ABSENCE OF A LEGISLATIVE AMENDMENT, THE COMMISSION SHOULD DESIGNATE 811 AS THE THREE-DIGIT CODE TO ACCESS ONE CALL CENTERS.

If the Commission does not pursue or obtain a statutory amendment to allow the use of a ten-digit toll-free number to access One Call notification systems, it should designate 811 for this purpose. Of all the abbreviated dialing code options identified by the Commission, the use of the N11 code, 811, is the best solution. As the DIG IMG Report shows, the alternatives discussed by the Commission are either technically infeasible, costly to implement, or inconsistent with the Pipeline Safety Act.

BellSouth agrees with the Commission that the use of 344 is not a viable option. As the *NPRM* notes, “there are NPAs in which 344 is assigned as a central office code (NXX).”¹⁶ Assigning 344 to One Call Centers would require customers with the 344 NXX to return these numbers. In addition to potentially inconveniencing millions of customers, there would be

¹⁴ Letter to William Maher, Chief, Wireline Competition Bureau, FCC, from Robert C. Atkinson, NANC Chair, NANC, CC Docket No. 92-105 (dated May 27, 2004) (emphasis in original).

¹⁵ *Id.*

¹⁶ *NPRM*, ¶ 17.

significant customer confusion and frustration for those customers that have or typically dial numbers with the 344 NXX. BellSouth also finds persuasive the Commission's conclusion that the use of 344 or any other area code "would be inconsistent with [the Commission's] numbering resource optimization policies by potentially rendering eight million NANP telephone numbers unusable."¹⁷ To minimize customer inconvenience and confusion and to avoid unnecessarily stranding valuable numbering resources, the Commission should not establish 344 as the nationwide three-digit code for One Call notification.

BellSouth also opposes the assignment of #344 or *344 for the reasons identified in the DIG IMG Report. As the Commission points out, the NANC identified the following problems:

1. Codes using a leading star or number sign would not achieve uniformity mandated by the Pipeline Safety Act because all users would not be dialing the same sequence;¹⁸
2. Because many Private Branch Exchange ("PBX") systems use the star and/or number signs for feature access, it may be infeasible or costly to reprogram these systems;¹⁹
3. Some switching systems are not capable of processing access codes using a leading star or number sign in the dialing sequences, and the necessary switch development would delay the final implementation of the One Call functionality.²⁰

BellSouth agrees with these findings by the NANC. As indicated above, BellSouth has found that using the "#" or "*" characters as a prefix to any numeric dialing sequence in a wireline network may trigger special call handling conditions that could conflict with existing

¹⁷ *Id.*, ¶ 18.

¹⁸ *Id.*, ¶ 16 (citing DIG IMG Report at 7-8).

¹⁹ *Id.* (citing DIG IMG Report at 8).

²⁰ *Id.*

vertical features, such as Call Forwarding activation, Speed Dialing, and Speed Dial programming. Thus, although the use of mnemonic versions of 344 is attractive because of the easily recognizable name (*DIG, #DIG), BellSouth and other carriers would have to resolve various technical issues in order to support the use of these codes in wireline switches.

Moreover, a strong case can be made that the use of “*” or “#” together with a three-digit code does not satisfy Congress’s requirement that the code be a three-digit toll-free number that all customers can dial. All users across the nation are not able to dial the same sequence if it includes a “*” or “#” sign. As the DIG IMG Report notes, rotary phones do not include an alternative for the “#” symbol. In addition, “an abbreviated dialing code using a leading star sign would require rotary customers to dial the digits ‘1-1’ in place of the star.”²¹ Because this dialing alternative for “*” is “not widely known by the public,”²² the value of an abbreviated dialing code would be significantly reduced for a segment of end users.

Notwithstanding its opposition to the use of *344 or #344 for wireline carriers, BellSouth does not object to permitting the wireless industry to continue its use of #344 for One Call notification either indefinitely or for some limited transition period. BellSouth recognizes that wireless carriers have devoted substantial time and resources to implement this functionality in their networks. However, because of the technical difficulties identified by the NANC, the Commission should not establish #344 as the national code for One Call notification. Requiring wireline carriers to implement the functionality to accommodate #344 would impose significant costs and burdens on the wireline industry. BellSouth therefore supports NANC’s

²¹ DIG IMG Report at 7-8.

²² *Id.* at 8.

recommendation that the Commission permit wireless carriers to continue to use #344 to access One Call Centers, but not establish #344 or *344 as the nationwide three-digit code required by the Pipeline Safety Act.²³

IV. THE COMMISSION MUST ALLOW CARRIERS SUFFICIENT TIME TO IMPLEMENT THE FUNCTIONALITY TO PROVIDE ACCESS TO ONE CALL CENTERS THROUGH AN ABBREVIATED DIALING CODE

If the Commission decides to designate 811 or an alternative three-digit code to implement the Pipeline Safety Act, it must afford the industry adequate time to make the accommodations necessary to support a new dialing pattern. BellSouth agrees with the NANC's suggestion that it could take between one to two years from the release of a Commission order to prepare carrier networks to support the nationwide use of 811 to access existing One Call Centers.²⁴ BellSouth also concurs with the NANC's finding that the use of 344 or #344 could necessitate a longer implementation schedule (one to three years) due to required switch development and deployment.²⁵ Time is needed for customer notification (where necessary), network planning, switch translations, and end-to-end testing. The Commission should not adopt a schedule that would significantly shorten the implementation timeframes proposed by NANC.

BellSouth further asks the Commission to make clear that the implementation clock does not begin until after there has been an official request to use the designated code for One Call notification in a particular state or locale. This conclusion is fully consistent with Commission precedent. In a prior N11 proceeding, the Commission found that a carrier was not obligated to

²³ *NPRM*, ¶ 15 (citing DIG IMG Report at 3).

²⁴ DIG IMG Report at 11.

²⁵ *Id.*

take the steps necessary to implement 311 for non-emergency police calls until the carrier received a request to use 311 for its intended purpose.²⁶ This approach allows existing N11 customers to continue to offer their services using an abbreviated dialing code in the meantime. In addition, this approach correctly recognizes that all jurisdictions are different. While most jurisdictions are covered by fully functional One Call Centers, others may have Centers in development or transition, may be served by Centers in other jurisdictions, or may be served by multiple Centers within the same jurisdiction. Thus, every jurisdiction might not have a need to utilize the 811 code for One Call notification. Accordingly, the Commission should expressly find that any implementation schedule does not commence until after there has been an official request to use the designated abbreviated dialing code for One Call notification.

V. EACH CARRIER SHOULD HAVE THE DISCRETION TO DETERMINE THE BASIS UPON WHICH A CALL IS SENT TO A PARTICULAR CALL CENTER

The *NPRM* seeks comment on whether the originating NPA NXX should determine the One Call Center to which a call is routed.²⁷ In the DIG IMG Report, the NANC assumed that, for wireline-originated calls, the originating NPA NXX or originating switch location would determine the One Call Center to which the call is sent.²⁸ For wireless originated calls, the NANC assumed that the originating mobile switch center would determine the One Call Center to which a wireless call is routed.²⁹

²⁶ *211 Order*, 15 FCC Rcd at 16772, 16773, ¶¶ 34, 36.

²⁷ *NPRM*, ¶ 22.

²⁸ *Id.* (citing DIG IMG Report at 5).

²⁹ *Id.*

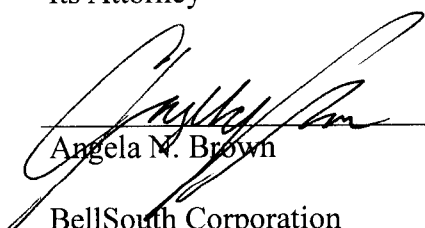
BellSouth prefers to use the originating switch instead of the NPA NXX to determine where to send the call. With the shifting of numbers among switches due to number portability and number pooling, the NPA NXX may not be sufficient to identify the appropriate One Call Center to which a call should be routed. In fact, reliance on the NPA NXX could result in calls being sent to incorrect One Call Centers. To ensure that calls are delivered to the appropriate centers, the Commission should allow carriers the flexibility to determine which method best suits their needs. As such, wireless carriers should have the discretion to use the mobile switch center as the basis for routing calls to One Call Centers, and wireline carriers should have the discretion to use the originating switch location or the NPA NXX. The Commission should avoid a one-size-fits-all approach.

Respectfully submitted,

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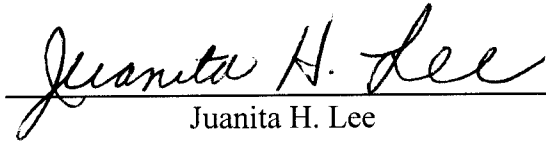
July 8, 2004

CERTIFICATE OF SERVICE

I do hereby certify that I have this 8th day of July served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing addressed to the parties listed below.

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